

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Kane, et al.

Plaintiffs,

vs.

De Blasio, et al.

Defendants.

DECLARATION OF
NWAKAEGO NWAIFEJOKWU

Civil Action No. 1:21-cv-07863

STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

Nwakaego Nwaifejokwu, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am Nwakaego Nwaifejokwu.
2. I have been teaching with the NYC DOE for 12 years.
3. My job as a NYC teacher is very important to me for several reasons. Firstly, I support my daughter and myself with the income I earn as a teacher. Without this income I would be in dire straits and become destitute. How would I pay my rent? How would I eat? How would I care for my daughter? Secondly, although teaching is my job; it is also my passion. I am grateful that I have been able to earn a living while doing something that I love. I would be thoroughly devastated if I were to lose my right to teach in New York.
4. It is concerning to know that I will not be there with my students as of Monday, October 4th. As a licensed special education teacher working for the NYC DOE for well over a decade, I have become aware of the existence of a perpetual shortage

of teachers in my field of special education. I worry that the students in my ICT class with IEPs will not be serviced by an experienced and licensed special educator. This is devastating, because they will not be able to meet their goals and expectations for this year. These students likely will even regress. Moreover, without a licensed special education teacher providing services to students with IEP mandates, the NYC DOE would be legally out of compliance.

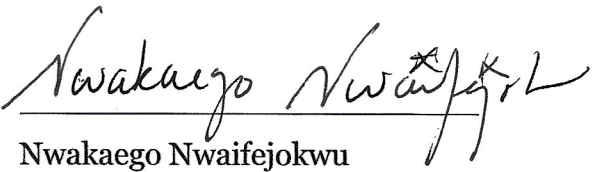
5. At my school the janitors and administrators know me well for putting in late hours after the school day ends. Many times, I have been the last teacher in the building at the end of the day. Why do I stay late? I stay late because I enjoy what I am doing. I put in extra hours and spend my personal money to create an optimum learning environment for my students. Teaching might be just a job for others, but I believe it is my joy. There is something magical that happens when students are learning and thriving, while exceeding expectations.
6. On Tuesday, August 31st I was informed that I need to get the COVID-19 vaccine to continue teaching in the NYC public school system.
7. I have sincerely held religious beliefs that prevent me from taking a COVID-19 vaccine. God is telling me this is not for me.
8. I submitted a religious exemption through "SOLAS", the system provided for teachers and staff to upload religious or medical exemptions, however it was denied.
9. I applied for a religious exemption on Monday, September 20th. Initially the system of SOLAS was not allowing me to do so. I spent many hours attempting to upload my religious exemptions. There were error messages and cliches that prevented me from actually being able to successfully submit my religious

exemption until 2am the morning after September 20th. Apparently, the system was overwhelmed with applicants. An extension was given to everyone due to these issues. I received an email letter of denial on Saturday, September 25th with a form letter that stated that it would be an undue hardship to grant my exemption. In my denial no explanation was given regarding my religious beliefs. I attempted to request an appeal but instead received another denial letter. I have called the UFT and was told to keep note of the ongoing issues that arise from the DOE regarding these exemption denials. The UFT rep claimed that there were many irregularities regarding exemptions which they would be collecting as complaints from applicants and that they would look into it.

10. Without relief from this Court, I will lose my ability to teach in the NYC public school system effective on Monday, October 4th. The impending loss of 15,000 educators and staff overnight will cause an upheaval in the lives of students who already have experienced instability for the last 2 years. Many familiar friendly faces that students have come to know over the years will be missing - from the school safety officer to the cafeteria staff, to their teachers as well as countless others who make the school experience special, warm and welcoming for all students. Many students are currently experiencing academic, social and emotional losses due to these past 2 years of remote learning, school closings, and the overall overwhelming impact of the pandemic on their personal lives as well. This year was to be a year for us as educators to work diligently with students and their families to remedy these losses experienced by our children. However, with this Covid-19 mandate, students will continue to suffer and regress without access to experienced qualified educators who had spent the last

few months of the prior school year planning with administrators for the success of this school year.

11. I am praying for the Court to intervene on behalf of all who are impacted by the grave injustice we are experiencing, especially the children.


Nwakaego Nwaifejoku